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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,611	08/24/2005	Johnny Nilsson	1935-00154	4849

26753 7590 03/08/2007
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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/524,611

Applicant(s)

NILSSON ET AL.

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/16/05; 8/24/05; 7/10/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

This Office action is responsive to communication received 02/16/2005 – application papers filed; 08/24/2005 – IDS and Oath; 07/10/2006 – IDS.

This application is a 371 of PCT/NO03/00277, filed 08/15/2003.

Claims 1-4 are pending.

Following is an action on the MERITS:

Claim Objections

Claims 1-4 are objected to because of the following informalities:

Throughout claims 1-4, the language “characterized in that” should be changed to --wherein--. Further, the language “metre” should be changed to --meter-- to conform to the common viewed American spelling of this term.

Specific to claim 1, line 1, “more specifically” should be deleted. In lines 3 and 4, “possibly being” should be deleted. In line 11, “and/or” should be deleted. In line 12, “possible” should be deleted. Following these suggested changes, the claim should further reviewed for proper punctuation and grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi ('518). Considering the claims as best as understood, Kobayashi shows a grip-weighted putter, wherein the mass of the club head represents about 64% of the total mass of the putter, including the head, shaft and grip. See the discussion in columns 5 and 6, *in toto*. Kobayashi recognizes the effect and benefits of increasing the mass moment of inertia through addition of additional weight at the grip end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alzano ('687). Specific to claims 1 and 2, Alzano differs from the claimed invention in that Alzano does not detail the specific numerical requirements for the mass moment of inertia. Note, Alzano does indicate that a counterbalance weight is used in the upper shaft portion. See Figure 5. Moreover, Alzano indicates that the value selected for the weight of the counterbalance ultimately depends upon the weight of the club head itself and the desired performance characteristics and/or the trajectory to be imparted to a ball. See col. 3, lines 29-33. In view of the teachings provided in Alzano, it would have been obvious to modify the device in Alzano by adjusting the mass moment of inertia, the

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motivation being to tailor the club head and shaft weight depending upon the individual performance needs of a golfer. Regarding the remaining limitations in the claims and as to claim 3, note elastic material (29).

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getts ('378) in view of Alzano ('687). Getts shows the invention substantially as claimed and includes a displaceable weight mounted on the exterior of the shaft, as required by claim 4. Getts, however, does not detail the specific numerical requirements for the mass moment of inertia. The teaching reference to Alzano indicates that a counterbalance weight is used in the upper shaft portion (Figure 5). Moreover, Alzano indicates that the value selected for the weight of the counterbalance ultimately depends upon the weight of the club head itself and the desired performance characteristics and/or the trajectory to be imparted to a ball. See col. 3, lines 29-33. In view of the teachings provided in Alzano, it would have been obvious to modify the device in Getts by adjusting the mass of the counterbalance weight in order to adjust the mass moment of inertia, the motivation being to tailor the club head and shaft weight depending upon the individual performance needs of a golfer.

Further References of Interest

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jernigan shows a cylindrical head and shaft arrangement. Note resilient material (35a) in Long. Kinoshita details mass moment of inertia. Kleinfelter shows a cylindrical head and shaft arrangement. Pizsel shows a cylindrical head, of interest. Observe element (19) in Csernits. The patent to

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Grieb shows a cylindrical head. See the shaft connection in Schooler. In Hannon, a counterweight is used to adjust the moment of inertia of the putter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
March 4, 2007


Sebastiano Passaniti
Primary Examiner